

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 53080
:
Yuu INATOMI, et al. : Confirmation Number: 5354
:
Application No.: 10/814,342 : Tech Center Art Unit: 1795
:
Filed: April 01, 2004 : Examiner: DOVE, TRACY MAE
:
For: ELECTRODE AND ELECTROCHEMICAL DEVICE USING THE SAME

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated December 10, 2008 of the Primary Examiner finally rejecting claims 8 and 10-12.

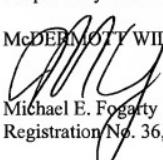
Appeal Fee: \$540.00

- Not required (fee paid in prior appeal in this application).
 Charge to Deposit Account No. 500417.
 Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 53080
as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:kap
Facsimile: 202.756.8087
Date: March 10, 2009